

AMENDED IN ASSEMBLY MAY 27, 2005

AMENDED IN ASSEMBLY MAY 5, 2005

AMENDED IN ASSEMBLY APRIL 26, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 821

Introduced by Assembly Member Ridley-Thomas

February 18, 2005

An act to add Section 2105.5 to the Elections Code, relating to voter registration.

LEGISLATIVE COUNSEL'S DIGEST

AB 821, as amended, Ridley-Thomas. Voting rights.

Existing law requires the Secretary of State to adopt regulations requiring counties to design and implement programs intended to identify qualified electors who are not registered voters and to register those persons to vote.

This bill would require the county elections officials to provide affidavits of registration and copies of the "Guide to Inmate Voting" to ~~state and~~ local detention facilities so that those detention facilities may notify the following persons of their right to vote: (1) inmates not yet convicted who are in a custodial facility awaiting a court hearing or sentencing for a minor offense, (2) inmates who are serving a sentence for a traffic offense or misdemeanor conviction conditioned on probation, (3) inmates who are not currently sentenced to a prison term or on parole for a felony conviction, and (4) persons who have completed a sentence for a felony conviction. By imposing additional duties on local elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Many inmates are not aware of the fact that they may be
4 eligible to register to vote and vote in California elections.

5 (2) There are issues on the election ballot that may affect
6 inmates and their families. Inmates are encouraged to exercise
7 their voting rights to express opinions on those issues.

8 (3) Contrary to popular belief, persons who have been
9 convicted of a felony in California may be eligible to register to
10 vote and vote after they have served their sentence and are no
11 longer on parole.

12 (b) It is the intent of the Legislature to enact this legislation to
13 ~~notify~~ *make information available and inform* inmates and
14 persons who have been convicted of a felony in California of
15 their voting rights *and advise them where information is located*
16 *in the correctional facility.*

17 SEC. 2. Section 2105.5 is added to the Elections Code, to
18 read:

19 2105.5. (a) ~~A county elections official~~ *County elections*
20 *officials* shall provide affidavits of registration and copies of the
21 “Guide to Inmate Voting” to ~~state and local detention facilities so~~
22 ~~that those detention facilities may notify the following persons of~~
23 ~~their right to vote;~~ *and those detention facilities shall make the*
24 *affidavits of registration and copies of the “Guide to Inmate*
25 *Voting” available to the following persons:*

26 (1) Inmates not yet convicted who are in a custodial facility
27 awaiting a court hearing or sentencing for a minor offense.

1 (2) Inmates who are serving a sentence for a traffic offense or
2 misdemeanor conviction *or serving a sentence* conditioned on
3 probation.

4 (3) Inmates who are not currently sentenced to a prison term
5 or on parole for a felony conviction.

6 (4) Persons who have completed a sentence for a felony
7 conviction.

8 (b) The “Guide to Inmate Voting” shall contain an explanation
9 of all of the following:

10 (1) Who is eligible to vote.

11 (2) How to register to vote.

12 (3) An explanation of absentee voting and voting by mail and
13 how to apply to vote absentee or by mail.

14 (4) The right to receive multilingual voting materials.

15 (5) When to reregister to vote.

16 (6) Inmate eligibility to vote.

17 SEC. 3. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.